

REMARKS/ARGUMENTS

Claims 41 through 63 are pending in this application. The Office Action objects to, but allows, claims 60 and 61 if rewritten in independent form.

The Office Action objects to the drawings based upon an incorrect reference numeral in FIG. 10. A proposed correction has been made.

The Office Action objects to informalities in the specification including incorrect reference numerals and the need for an updated claim of priority. Amendments have been made to the specification to correct these informalities.

The Office Action objects to the specification for failing to provide proper antecedent basis in the text of the specification for claims 41 and 51, but concedes that the drawings support the claims. The specification has been amended to include a description of that which is clearly shown in the drawings, including FIGS. 2, 6 and 16.

The Office Action objects to claim 63 for text being omitted. Claim 63 has been amended.

The Office Action rejects claims 41, 48, 51, 58, and 60 through 62 under the non-statutory, obviousness-type double patenting rejection as being unpatentable over claims 1 through 4, 12 through 14, 25 through 26, 29 through 30 and 31 of Renz (U.S. Patent No. 6,616,319 B2). Upon allowance of the claimed subject matter, a terminal disclaimer will be filed.

The Office Action rejects claims 41 through 47, and 50 under 35 U.S.C. §102(e) as being anticipated by Johansen et al. (U.S. Patent No. D451,200). Applicant submits that the cited reference does not qualify as prior art to his invention. Enclosed herewith is applicant's Rule 1.131(b) Affidavit in support of applicant's assertion that he invented the subject matter described and claimed in his application prior to February 6, 2001, which is the filing date of the Johansen Patent. As such, applicant respectfully requests that this rejection be withdrawn.

The Office Action rejects claims 41 through 47, 50 through 57, and 62 through 63 under 35 U.S.C. §102(b) as being anticipated by Tseng (U.S. Patent No. 5,788,369). Tseng fails to disclose or suggest the elements of claims 41 through 47, 50 through 57, and 62 through 63.

Independent claim 41 includes the element of an annular wall forming a hole and being at least partially tapered towards the longitudinal axis of the hole. Independent claim 51 includes the element of an annular ring defining a hole with a longitudinal axis, and the annular ring being at least partially tapered towards the longitudinal axis. Tseng fails to disclose or suggest either of these elements.

Tseng shows a mixing element usable with a baby bottle. The mixing element is shown in two embodiments, which both have a fastening ring (161 and 161'). The fastening rings, as shown clearly in FIGS. 3 and 8, have vertical walls that are not at least partially tapered towards the longitudinal axis. Moreover, Tseng teaches away from such tapering because the outer face of the fastening ring is used to secure the mixing

element in place. In the first embodiment of FIG. 3, threads 162 are on the vertical outer face. In the second embodiment of FIG. 8, the outer face abuts against the affixing ring.

Claims 42 through 47, and 50, and claims 52 through 57, and 62 through 63 depend from claims 41 and 51, respectively, and, thus, are also not anticipated.

The Office Action rejects claims 41 through 59, and 63 under 35 U.S.C. §102(b) as being anticipated by Swett et al. (U.S. Patent No. 3,820,692). Swett fails to disclose or suggest the elements of claims 41 through 59, and 63.

As stated before, independent claim 41 includes the element of an annular wall forming a hole and being at least partially tapered towards the longitudinal axis of the hole. Independent claim 51 includes the element of an annular ring defining a hole with a longitudinal axis, and the annular ring being at least partially tapered towards the longitudinal axis. Swett fails to disclose or suggest either of these elements.

Swett shows a blending element usable with a blender. The blending element has a horizontal annular ring member 33, which is shown clearly in FIG. 7. The annular ring member 33 is seated upon a ledge 16 of the vessel. Swett does not disclose or suggest an annular wall forming a hole and being at least partially tapered towards the longitudinal axis of the hole, as in claim 41, or an annular ring defining a hole with a longitudinal axis, and the annular ring being at least partially tapered towards the longitudinal axis, as in claim 51.

Claims 42 through 50, and claims 52 through 59, and 63, depend from claims 41 and 51, respectively, and, thus, are also not anticipated.

The Office Action rejects claims 41 through 47, and 50 under 35 U.S.C. §102 as being anticipated by Reichner (U.S. Patent No. 1,075,119). Reichner fails to disclose or suggest the elements of claims 41 through 47, and 50.

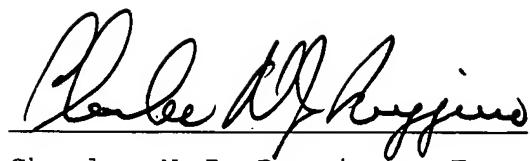
Again, independent claim 41 includes the element of an annular wall forming a hole and being at least partially tapered towards the longitudinal axis of the hole.

Reichner shows a container having a juice extracting device 11. The juice extracting device has a base 12. The base 12, as shown clearly in FIGS. 4 and 5, has a vertical annular wall that is not at least partially tapered towards the longitudinal axis.

Claims 42 through 47, and 50 depend from claim 41, and, thus, are also not anticipated.

In view of the foregoing, applicant respectfully submits that all claims present in this application are patentable over the cited prior art. Accordingly, applicant respectfully requests favorable reconsideration and withdrawal of the rejections of the claims. Also, applicant respectfully requests that this application be passed to allowance.

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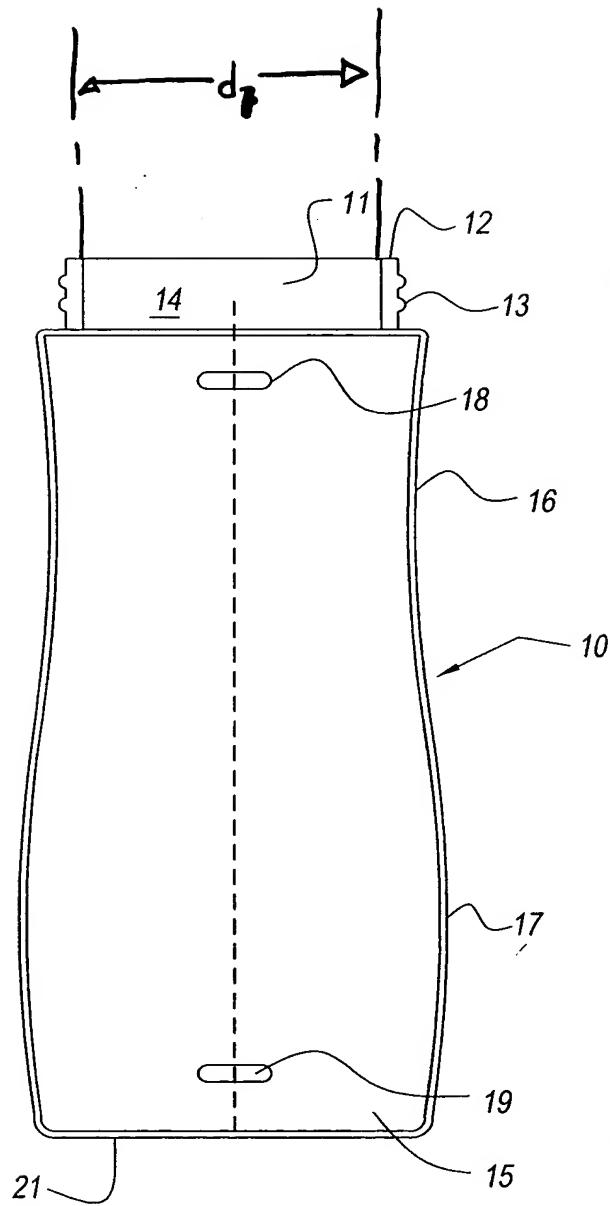


FIG. 2

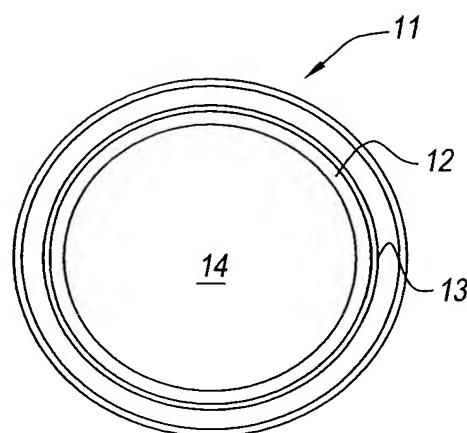


FIG. 3

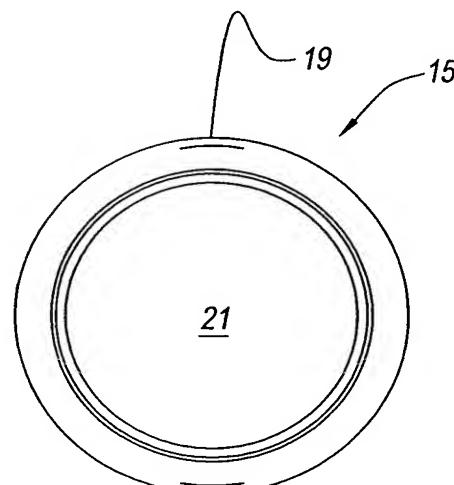


FIG. 4

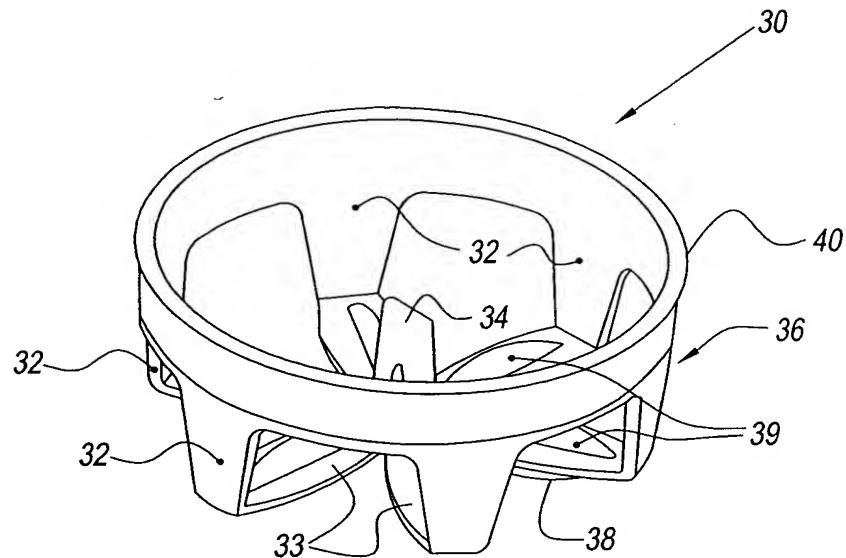


FIG. 5

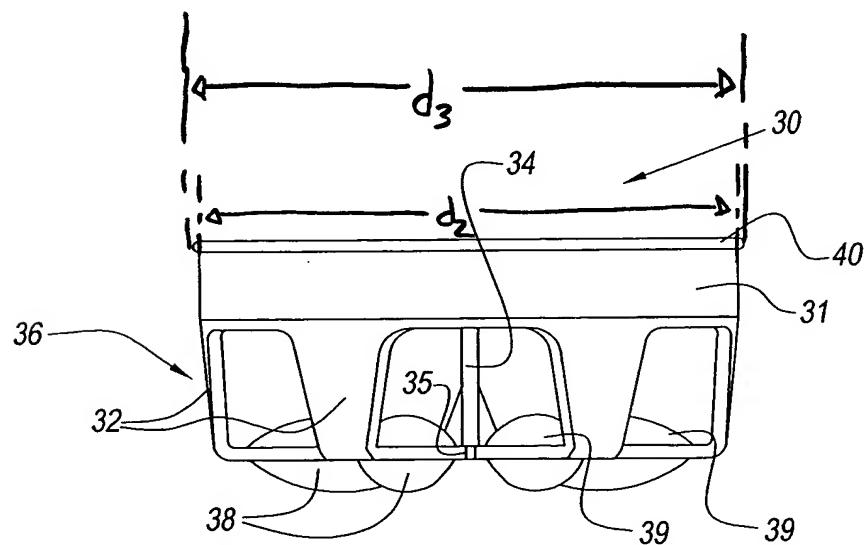


FIG. 6

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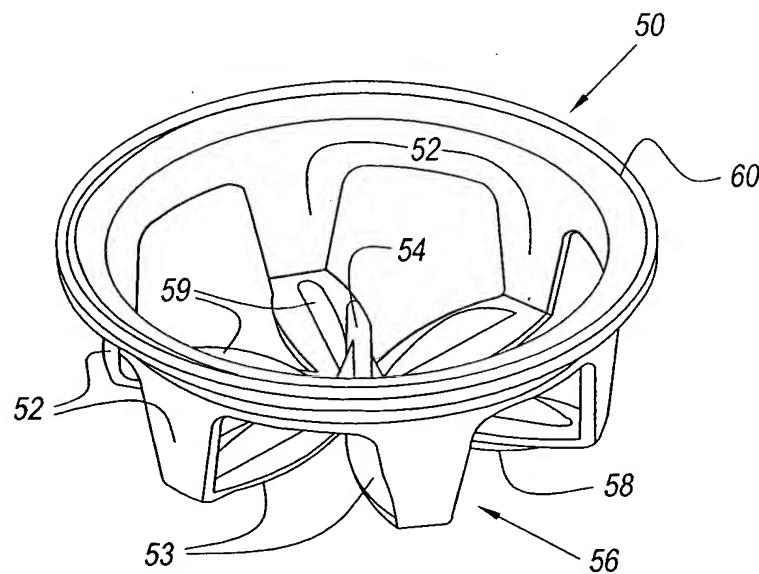


FIG. 9

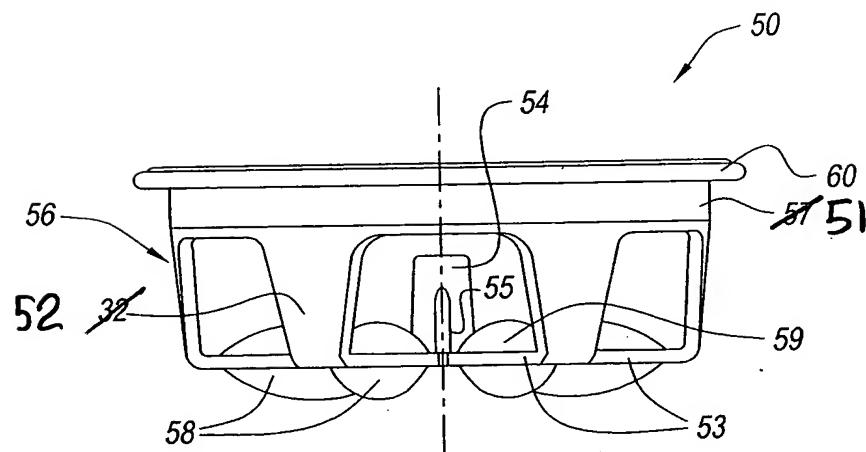


FIG. 10